

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ellen Elizabeth Tarr, on behalf of herself and
others similarly situated,

Plaintiff,

-against-

HQ Milton, Inc.,

Defendant.

USDC SDNY
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DATE FILED: <u>08/23/2024</u>

1:23-cv-09264 (PAE) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

WHEREAS, on July 30, 2024, Judge Engelmayer entered an Order finding that Plaintiff is entitled to a default judgment against Defendant HQ Milton, Inc. (7/30/24 Order of Default J., ECF No. 20); and

WHEREAS, Judge Engelmayer thereafter referred this case to the undersigned for an inquest with respect to the nature of the judgment to be entered. (Am. Order of Reference, ECF No. 21); and

WHEREAS, the undersigned issued a Scheduling Order for Damages Inquest setting the deadline for Plaintiff's submissions concerning all damages and any other monetary relief permitted under the entry of default judgment (the "Inquest Submission"), as August 20, 2024 (7/30/24 Scheduling Order for Damages Inquest, ECF No. 22); and

WHEREAS, Plaintiff did not file any Inquest Submission consistent with the July 30, 2024 Order on August 20, 2024; and

WHEREAS, on August 21, 2024, the undersigned's Chambers emailed counsel for Plaintiff and directed him to file the Inquest Submission, or an extension of time by letter

motion to do the same, no later than 5:00 p.m. yesterday, August 22, 2024 (the "Email Directive") (8/21/24 Email from Chambers to Pl.); and

WHEREAS, Plaintiff did not file any Inquest Submission or a letter requesting an extension consistent with the Email Directive on August 22, 2024; and

WHEREAS, as of the filing of this Order, the Court has still not yet received Plaintiff's Inquest Submission, contravening both the Court's July 30, 2024 Order and the Email Directive.

NOW, THEREFORE, it is hereby ORDERED:

1. No later than Wednesday, August 28, 2024, at 5:00 p.m., Plaintiff shall either file an Inquest Submission or a letter requesting an extension of time to do the same (stating good cause for such extension), which shall also include by way of cover note or footnote supplying the reason(s) for the (a) untimely filings, and (b) disregard of the Court's July 30, 2024 Order and the Email Directive.

2. Failure to comply with this Order shall result in the imposition of sanctions and a Report and Recommendation addressed to Judge Engelmayer to dismiss this case for Plaintiff's failure to prosecute.¹

SO ORDERED.

Dated: New York, New York
August 23, 2024



STEWART D. AARON
United States Magistrate Judge

¹ See *Siliki v. Linn*, No. 21-CV-08162 (KPF) (OTW), 2023 WL 9016454, at *2 (S.D.N.Y. Dec. 29, 2023) (adopting report and recommendation that case should be dismissed for failure to prosecute after supplying extensions of time to file damages inquest submissions).